

# Notice of Allowability

Application No.

10/044,581

Examiner

Mike Tomaszewski

Applicant(s)

GOUX, TIMOTHY GAYLE

Art Unit

3626

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 12/13/07.
2. ☒ The allowed claim(s) is/are 1-8, 17-19, 24-28, 32-33 and 35-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

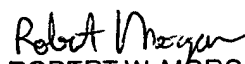
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
ROBERT W. MORGAN  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600

**DETAILED ACTION**

***Notice To Applicant***

1. This communication is in response to the amendment filed on 12/13/07.  
Claims 1-8, 17-19, 24-28, 32-33 and 35-38 are in condition for allowance.

***Allowable Subject Matter***

3. Claims 1-8, 17-19, 24-28, 32-33 and 35-38 are allowed. The following is an Examiner's statement of reasons for allowance:

(A) Claim 1 is directed to a method for providing improved performance of an insured healthcare facility wherein a program catalyst monitors the insured healthcare facility on behalf of an insurer, the method comprising the steps of:

- (1) determining insurance program requirements designed to reduce risks of accidents associated with the healthcare facility;
- (2) formulating an insurance program containing the insurance program requirements; the program catalyst providing procedures designed for the insured healthcare facility to meet the insurance program requirements and reduce risks of accidents associated with the healthcare facility;

- (3) the program catalyst monitoring the results of the procedures to identify the conformance of the insured healthcare facility to the insurance program requirements;
- (4) the program catalyst identifying the conformance of the insured healthcare facility to the insurance program requirements;
- (5) the program catalyst identifying the conformance weak points of the insured healthcare facility;
- (6) the program catalyst providing countermeasures to mitigate the conformance weak points of the healthcare facility and further aid the insured healthcare facility to meet the insurance program requirements and reduce risks of accidents associated with the healthcare facility;
- (7) providing a web-enabled software solution for providing the monitoring results to the healthcare facility, the program catalyst, and the insurer;
- (8) the program catalyst communicating data indicative of the conformance of the insured healthcare facility to at least one of the healthcare facility and the insurer using the web-enabled software solution; and
- (9) the insurer modifying the insurance program based on the conformance to the insurance program requirement by the healthcare facility.

The closest prior art of record, Minturn (5,692,501; hereinafter Minturn) , teaches a wellness program whereby individuals follow a healthcare regiment with particular program requirements that, if followed, advantageously affect an individual's insurance policy.

Minturn does not disclose (1) a third party program catalyst monitoring a healthcare facility's adherence to insurance program requirements; (2) a third party identifying conformance weak points of the insured healthcare facility; and (3) a third party providing countermeasures to mitigate conformance weak points; among other features, as recited in claim 1.

4. Independent claims 17, 24, and 35, substantially recite the same limitations of independent method claim 1. As such, the closest prior art of record, Minturn, does not disclose the features of these claims either.

5. Dependent claims 2-8, 18-19, 23-28, 32-33 and 36-38 incorporate the features of either claims 1, 24, 17 or 35 through dependency and therefore, are also allowed for the same reasons given above.

6. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delay, should preferably accompany the issue fee.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT



  
ROBERT W. MORGAN  
PRIMARY EXAMINE  
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